

STATE OF SOUTH CAROLINA**(Caption of Case)****IN RE:**

Happy Rabbit, LP on Behalf of,

Windridge Townhomes, Complainant,

v.

Alpine Utilities, Inc., Respondent

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA****COVER SHEET****DOCKET****NUMBER: 2008 - 360 - S**

(Please type or print)

Submitted by: Richard L. Whitt**SC Bar Number:** 62895**Address:** Austin & Rogers, P.A.**Telephone:** 803-251-7442508 Hampton Street, Suite 300**Fax:** 803-252-3679Columbia, South Carolina 29201**Other:** 803-256-4000**Email:** rlwhitt@austinrogerspa.com

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DOCKETING INFORMATION (Check all that apply)☐ **Emergency Relief demanded in petition** ☐ **Request for item to be placed on Commission's Agenda expeditiously****Other:** Routine

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit of Publication	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certification of Mailing	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input checked="" type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Return	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input checked="" type="checkbox"/> Other: Request for Supersedeas Order
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2008-360-S

IN RE:)
Happy Rabbit, LP)
on Behalf of Windridge Townhomes,)
)
Complainant,)
)
v.)
)
Alpine Utilities, Incorporated,)
)
Respondent.)

**COMPLAINANT'S
REQUEST FOR
SUPERSEDEAS ORDER**

INTRODUCTION

The Public Service Commission of South Carolina (hereinafter as, "PSCSC") issued its several Orders in this Docket, denominated as, "ORDER RULING ON MOTION TO DISMISS AND PETITION FOR CLARIFICATION", No. 2009-496, on July 17, 2009 and "ORDER DENYING HAPPY RABBIT, LP'S PETITION FOR RECONSIDERATION", No. 2009-653, on September 18, 2009. Happy Rabbit, LP on Behalf of Windridge Townhomes, (hereinafter, "Happy Rabbit") received a copy of the PSCSC's final Order on September 22, 2009. On the same date, Happy Rabbit filed a Notice of Appeal with the South Carolina Court of Appeals, on even date. Happy Rabbit is required to file its initial request for a Supersedeas Order with this Commission, pursuant to Rule 241(d)(1) of the South Carolina Appellate Court Rules. Happy Rabbit's Request for a Supersedeas Order follows:

REQUEST FOR SUPERSEDEAS ORDER

During the pendency of Happy Rabbit's Complaint, Happy Rabbit was protected from Alpine Utilities, Incorporated's (hereinafter as, "Alpine") discontinuance of service to Happy Rabbit's tenants, residing in twenty-three duplex buildings (See, R. 103-538 (B), "...Service shall not be discontinued if the complainant requests in writing a hearing before the commission").

Happy Rabbit has maintained an Escrow Account at a Columbia, South Carolina branch of Carolina First Bank, from the first month of its dispute with Alpine, through this

writing, wherein Happy Rabbit has deposited a monthly amount equal to its monthly sewer charge from Alpine for Happy Rabbit's forty-six tenants, in twenty-three duplex buildings.

Happy Rabbit seeks the continued protection of R. 103-538(B) during the pendency of its appeal before the South Carolina Court of Appeals. Happy Rabbit remains concerned about the future business viability of Alpine. Specifically, Alpine (i) faces a possible, substantial fine from federal regulators for an alleged "sewer spill" in the Saluda River (a similarly situated utility incurred a fine of \$4,300,000.00 in 2005); (ii) Alpine's future operations may be affected by Alpine's inclusion in the, "Section 208 area-wide management plan authorized by the Federal Clean Water Act"; and (iii) Alpine's witness in this Docket also testified on May 7, 2008, in Docket No. 2008-190-S that Alpine needed rate relief so that, "Said rates will preserve the financial integrity of the Applicant..." (For the record, Alpine did not receive even 50% of the rate relief it sought to preserve its financial integrity.) If any of the above-described events occur, Alpine may be financially unable to refund the funds escrowed by Happy Rabbit.

CONCLUSION

Based on the foregoing and the Pleadings in this case, Happy Rabbit's Request for a Supersedeas Order should be granted with protection for Happy Rabbit from Alpine discontinuing sewer service, to preserve the *status quo*.

Respectfully submitted,

_____/s/_____
Timothy F. Rogers
Richard L. Whitt
Jefferson D. Griffith, III

Counsel of Record for Happy Rabbit, LP on
behalf of Windridge Townhomes

Columbia, South Carolina

RLW/krc
Enclosures